

be appropriated by the Legislature for the operation of said Agency, but the State Auditor shall make an audit annually of the Agency's accounts and operations.

The resolution was read.

On motion of Senator Colson and by unanimous consent the resolution was considered immediately and was adopted.

At Ease

The President announced at 10:08 o'clock a.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 10:17 o'clock a.m.

Senate Resolution 19

Senator Strong offered the following resolution:

Whereas, on January 24, 1915, the people of Childress, Texas, rejoiced on the union in marriage of Neal Dow Rogers and Guletta Fromm, highly regarded members of prominent pioneer families; and

Whereas, Mr. and Mrs. Neal Dow Rogers have through their exemplary lives justified the high expectations which the people of Childress and the entire area voiced upon this union; and

Whereas, there was born, to such union one son, Andrew Jacob Rogers, our illustrious colleague, whom we know as the distinguished Senator from Childress; and

Whereas, On Sunday, January 24, 1965, Mr. and Mrs. Neal Dow Rogers will be honored by their son and other family members with a reception honoring their Fiftieth Wedding Anniversary at the Woman's Department Club in Childress between the hours of 2 and 4 p.m.; now, therefore, be it

Resolved, by the Senate of the State of Texas, that the official congratulations of the Senate be extended to Mr. and Mrs. Neal Dow Rogers on their fiftieth wedding anniversary.

STRONG

Signed—Preston Smith, Lieutenant Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton,

Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Watson, Word.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Adjournment

On motion of Senator Parkhouse the Senate at 10:21 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, January 25, 1965.

FIFTH DAY

(January 25, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Cole

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday was dispensed with and the Journal was approved.

Leave of Absence

Senator Cole was granted leave of

absence for today on account of illness on motion of Senator Harrington.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 7, In memory of Dr. Virgil T. Blossom.

H. C. R. No. 11, In memory of General Douglas MacArthur.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Hardeman:

S. B. No. 61, A bill to be entitled "An Act providing that the salaries of all State officers and State employees, except the salaries of District Judges and other compensation of District Judges shall be for the period beginning September 1, 1965, and ending August 31, 1967, in such sums or amounts as may be provided for or authorized by the Legislature in the General Appropriations Act; providing that the Legislature shall fix the amount of supplemental salaries out of court fees and receipts to be paid clerks and other employees of the Courts of Civil Appeals, Supreme Court, and Court of Criminal Appeals; providing certain laws shall not be suspended; suspending laws in conflict herewith to the extent of such conflict with certain exceptions and specifically suspending certain other laws; and declaring an emergency."

To the Committee on Finance.

By Senator Calhoun:

S. B. No. 62, A bill to be entitled "An Act to amend paragraph (a), Section 4, Chapter 51, Acts Twenty-Second Legislature, 1891, and amendments thereto, codified as Article 6450, Vernon's Texas Civil Statutes, 1925, respecting certain rate-making procedures for carriers under the jurisdiction of the Railroad Commission of

Texas, repealing laws in conflict herewith, and declaring an emergency."

To the Committee on Transportation.

By Senator Parkhouse:

S. B. No. 63, A bill to be entitled "An Act amending Subsection (a) of Section 109 of the Texas Probate Code so as to provide that either the father or the mother is entitled to appointment as guardian of the estates of the minor children by the marriage if the parents live together; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Krueger:

S. B. No. 64, A bill to be entitled "An Act authorizing the Texas Historical Survey Committee to name natural geographical features; amending Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hightower:

S. B. No. 65, A bill to be entitled "An Act providing for the creation of a county-wide hospital district in Wilbarger County; providing for an election in the county to create a county-wide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by the district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by the district shall be lawful investments and collateral for certain funds; providing for the selection of a governing body of such hospital district, their tenure of office and powers and duties in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain, which power is conferred upon the district; prescribing a fiscal year; prohibiting the levy of taxes by the county or a city located therein for hospital purposes and restricting

the powers of the county in question where a district is established to levy taxes for the care of indigents under certain circumstances; providing a severance clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Crump:

S. B. No. 66, A bill to be entitled "An Act authorizing the Texas Library and Historical Commission to adopt a state plan for public library services and for public library construction and to cooperate with the federal government in implementing the state plan; amending Article 5436, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Word:

S. B. No. 67, A bill to be entitled "An Act amending Article 5.33 of the Insurance Code being Article 5.33 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as last amended; providing that all fire insurance premiums and losses shall be included by the State Board of Insurance in any system designed to give credit for a good fire record made by any city, town, village or locality; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senators Dies, Herring, Strong, Richter, Moore, Colson, Word and Reagan:

S. B. No. 68, A bill to be entitled "An Act providing for Medical Assistance for the Aged for direct or vendor payments for medical care on behalf of residents of the State of Texas who are sixty-five (65) years of age or over, who are not recipients of Old Age Assistance, who are in need as the term 'need' is defined herein, and who are unable to pay for needed medical services; defining terms; designating the State Department of Public Welfare to administer the program, to cooperate with the Department of Health, Education, and Welfare and to accept and expend moneys from the Federal Government; providing the requirements for receiving such Medical Assistance for the Aged; authorizing the Department to adopt rules and regulations for administering the program; authorizing the Department to

determine the method of administration of Medical Assistance for the Aged; authorizing the Department to prorate claims if necessary; prohibiting the payment of Medical Assistance for the Aged to or on behalf of persons hospitalized in Federal or State institutions for the mentally retarded or mentally ill or for tuberculosis; prohibiting the payment of Medical Assistance for the Aged to or on behalf of persons who transfer property or resources so as to obtain Medical Assistance for the Aged; creating a special fund in the Treasury to be known as the 'Medical Assistance for the Aged Fund'; amending Section 2 of Article XX of Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (8); providing a repealing clause; a savings clause; and declaring an emergency."

To the Committee on Public Health.

By Senator Strong:

S. B. No. 69, A bill to be entitled "An Act amending Section 4 of Art. 3.04 of Chap. 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 6, and by Acts of 1957, 55th Legislature, Page 261, Chapter 122, Section 1) by providing that directors of life, health, or accident insurance companies need not be stockholders unless so required by the articles of incorporation or bylaws; by providing that the first annual meeting of stockholders of life, health, or accident insurance companies be held on the fourth Tuesday in April of each year and thereafter on such date before April 30 of each year as shall be prescribed in the bylaws of the corporation; by providing that when the board of directors of life, health, or accident insurance companies shall consist of nine or more members the bylaws of the corporation may provide for staggered terms of the directors by providing that directors be divided into either two or three classes; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Reagan:

S. B. No. 70, A bill to be entitled "An Act amending Article 6.12 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, as amended, Acts 1959, 56th Legislature,

Chapter 291, Section 1, and Article 8.07 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, by including in the assets to be shown on the annual statements of Fire and Marine and Casualty Insurance Companies the value of electronic machines, office equipment, furniture, machines and labor-saving devices; providing for regulations defining such property and its depreciation and specifying that the value of such property shall be an admitted asset; providing for severability of the different parts of said Articles so that the unconstitutionality of one or more shall not affect the remainder of the Act; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Insurance.

By Senator Creighton:

S. B. No. 71, A bill to be entitled "An Act conveying certain lands in Palo Pinto County to the Mineral Wells Independent School District; requiring that the Mineral Wells Independent School District shall pay to the State of Texas cash consideration for this conveyance prescribing the consideration; making other provisions relating thereto; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

(Senator Creighton in the Chair.)

By Senator Reagan:

S. B. No. 72, A bill to be entitled "An Act amending Acts, 1951, 52nd Legislature, page 1210, Chap. 498, as amended, known as the Texas Motor Vehicle Safety-Responsibility Act, providing for the surrender of license and automobile registration where such license and automobile registration have been suspended or where the security deposited has been cancelled or terminated, and amending Sec. 32(d) to change the penalty from a fine of not more than Five Hundred Dollars (\$500) or imprisonment not exceeding six (6) months to a fine of not more than Two Hundred Dollars (\$200) for refusing to surrender the license or registration; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bates:

S. B. No. 73, A bill to be entitled "An Act amending Chapter 227, Acts

of the Regular Session of the Forty-second Legislature of Texas, as amended by Chapter 290, Acts, Forty-Seventh Legislature, Regular Session, 1941, Page 463, and as heretofore otherwise amended, by adding subsection (f) to Section 1a (1) thereof, excepting from the definition of 'Motor Carrier' and 'Contract Carrier,' and exempting from the provisions of such Acts, any person transporting fresh fruits or fresh vegetables to points of first processing within certain areas upon the filing of certain insurance and declaring an emergency."

To the Committee on Transportation.

By Senators Herring, Blanchard and Hazlewood:

S. B. No. 74, A bill to be entitled "An Act relating to engineers and the practice of engineering; defining terms; providing for the regulation of engineers and the practice of engineering; defining powers of the Board; prohibiting certain acts and conduct; dealing with the use of certain words and terms of identification; amending certain sections of and adding sections to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified as Title 52A, 3271a, Revised Civil Statutes of Texas); providing for renewal of registration certificates; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Reagan:

S. B. No. 75, A bill to be entitled "An Act amending Section 2, Chapter 6, Acts of the 43rd Legislature, 3rd Called Session, 1934 (Article 7057c, Vernon's Texas Civil Statutes, relating to sworn statements to be made to State Comptroller by wholesaler of oleomargarine, and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Strong:

S. B. No. 76, A bill to be entitled "An Act amending Article 2.11 of Chapter 2 of the Insurance Code of the State of Texas (S. B. 271, Chapter 214, page 440, Acts of the 57th Legislature, Regular Session) by providing that the annual meeting of stockholders of insurance companies governed by Chapter 2 of the Insurance Code of the State of Texas be

held on or before March 31 of each year; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Reagan:

S. B. No. 77, A bill to be entitled "An Act amending Section 3, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, and adding a new section to the Act so as to revise the list of boilers exempt from the Act or from certain sections thereof; and declaring an emergency."

To the Committee on State Departments and Institutions.

(President in the Chair.)

By Senator Watson:

S. B. No. 78, A bill to be entitled "An Act to amend Subsection (j) to Section 1, Acts, 1929, Regular Session, Chapter 314, Page 698, as amended (codified as Article 911b, Title 25, Vernon's Annotated Revised Civil Statutes of Texas), so as to exclude from the term transporting property for compensation or hire equipment furnished by the owner thereof, by lease, and when, during the same period of time the owner of the equipment furnished is employed to operate such equipment, and when such equipment and driver are to be used exclusively in the transportation of sand, gravel, dirt, caliche, shell, asphalt rock, crushed stone, hot-mix alphaltic concrete (not liquid asphalt), and aggregate, in bulk, when such substances are being transported to or from the job site of any construction project for or on behalf of the Federal Government, the State of Texas, or any political subdivision thereof, or to or from the construction site of any national defense project or airport and roadways leading thereto, or to or from the construction site of any road, highway and expressway, and declaring an emergency."

To the Committee on Transportation.

By Senator Herring:

S. B. No. 79, A bill to be entitled "An Act amending Section 19 of Article XVII of Chapter 184, Acts of the 47th Legislature, 1941 (compiled as Article 9.19, Title 122A, Vernon's Revised Statutes), providing for the transfer from the Comptroller and

his authorized representatives to the Division of Weights and Measures of the Department of Agriculture, State of Texas, of the function of measuring, calibrating, and determining the capacity in gallons of any vehicle tank or other container in which motor fuels, blending materials, liquefied gases and liquid fuels are transported; providing that the Division of Weights and Measures of the Department of Agriculture, State of Texas, shall charge for such service a fee to be not less than one-half of one cent ($\frac{1}{2}\text{¢}$) for each gallon of total capacity of such vehicle tank as calibrated, measured or determined; providing for the payment of such charges into the Department of Agriculture Fund Number Twenty-three (23) of the Treasury of the State of Texas; providing for the transfer to the Division of Weights and Measures of the Department of Agriculture, State of Texas, of all facilities and equipment used by the Comptroller and his authorized representatives for measurement, calibration, and determination of capacity in gallons of vehicle tanks; providing that this amendment shall not affect any rights and duties of the Comptroller or his authorized representatives provided in any other Section or Article of this Act; providing an effective date for this Act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 80, A bill to be entitled "An Act amending Section 36 of the Texas Trust Act, and particularly Subsections A and B thereof, to eliminate overlapping or conflict with the definitions of Subsection 4 of said Act; permitting trustees' compensation or commissions and attorney's fees to be charged either against principal or income of a trust, or between both; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 81, A bill to be entitled "An Act adding a New Subsection N to Section 25 of the Texas Trust Act providing that, when by the terms of an instrument containing a trust, a single trustee or a co-trustee is excluded from exercising its judgment in the making or retention of trust investments or in the doing of any other act in the management and administration of the trust, with the

power to direct such investments or other acts being reserved by the trustor or vested in some person or persons other than the excluded trustee or co-trustee, the excluded trustee or co-trustee shall be liable, if at all, only as a ministerial agent in making or retaining investments or in doing some other act pursuant to the authorized directions; providing that the new Subsection N shall be applicable both to trusts in existence at the time of its enactment and to trusts that thereafter come into existence, but that said Subsection shall not be applicable if the terms of the trust instrument contain contrary provisions with respect to the liability of the excluded trustee, or co-trustee; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 82, A bill to be entitled "An Act amending Sections 12 and 14 of the Texas Trust Act to provide that a corporate trustee, executor, administrator or guardian, when authorized by will, trust agreement, other trust instrument, or judicial order, to retain its own capital stock in trust, may purchase fractional shares resulting from stock dividends, provided such purchase, in the circumstances then prevailing, shall be consistent with the judgment and care which men of ordinary prudence exercise in the management of their own affairs; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 83, A bill to be entitled "An Act adding a new Subsection M to Section 25 of the Texas Trust Act authorizing a Texas trustee to appoint an ancillary trustee to administer trust property located in a state other than Texas, or in a foreign country; to require security from the ancillary trustee, and to delegate rights, powers, discretions, responsibilities and duties subject to limitations and directions by the Texas trustee; stating the responsibility of the ancillary trustee; providing that the Texas trustee may remove the ancillary trustee and appoint or not appoint a successor; providing that the Texas trustee and the ancillary trustee shall conform to any procedure or judicial order required by the

jurisdiction in which the latter is to act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Bates:

S. B. No. 84, A bill to be entitled "An Act relating to the licensing and regulation of motor transportation brokers by the Railroad Commission of Texas; providing an effective date; providing a severability clause; repealing conflicting laws; and declaring an emergency."

To the Committee on Transportation.

By Senator Calhoun:

S. B. No. 85, A bill to be entitled "An Act providing for the annexation of common and/or independent school districts to certain Junior College Districts for Junior College purposes only; providing for the creation of Boards of Trustees for such Districts and annexed common and independent school districts, and determining the manner of representation on said Board from the several common or independent school districts, the territory of which has been annexed to such Junior College Districts for Junior College purposes only, and which Junior College Districts contain one or more cities with a population in excess of 50,000 persons according to the last Federal census; providing the mode, manner and time of electing members of said Boards for their terms of office, and enacting other provisions relating to the subject matter; repealing laws in conflict therewith to the extent of such conflict; preserving to such Junior College Districts the powers and privileges of Junior College Districts generally; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Creighton:

S. B. No. 86, A bill to be entitled "An Act making privileged certain communications between a clergyman and confessor; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Creighton:

S. B. No. 87, A bill to be entitled "An Act prescribing compensation to be paid to district attorneys of the State who are not receiving supplementary pay from a county or who

are not authorized to receive supplementary pay from a county; making other provisions relating thereto; providing an operative date; providing a severability clause; providing a repealing clause; and declaring an emergency."

To the Committee on Finance.

By Senator Bates:

S. B. No. 88, A bill to be entitled "An Act amending Article 1034, Penal Code of Texas, 1925, as amended to clarify the territory in the state subject to certain provisions of the Article and to provide that the performing or failing to perform any act, which act or failure is in accordance with the rules and regulations promulgated by the Commissioner of Agriculture, shall constitute a complete defense to any alleged violation thereunder; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 89, A bill to be entitled "An Act authorizing the Board of Directors of Texas A & M University to convey to the United States land on or conveniently located in reference to, the campus of Texas A & M University and land comprising a part of the land on which is located the Texas Agricultural Experiment Station at Lubbock, for the United States, at its expense, to construct thereon and to use said land in connection therewith, laboratories and research facilities so as to provide broadened opportunities for cooperative research and instructional programs between the United States Department of Agriculture and Texas A & M University; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 90, A bill to be entitled "An Act amending Chapter 121, Acts of the Forty-seventh Legislature, 1941, by authorizing the provisions of said Chapter 121 to be made applicable to all institutions governed by the Board of Directors of Texas A&M University by permitting the said Board to construct, acquire, improve and equip, from time to time, central power and steam plants and additions thereto, and acquire land for such purposes for each of said institutions; to furnish water, steam, power, and electricity to certain buildings and facilities from the plants owned by the

institutions and to determine the charges to be made for such services to cover the maintenance, operation and bond expense of such buildings and facilities; permitting the pledge of the net revenues from such plants and other revenue producing facilities to the payment of the principal of and interest on bonds issued pursuant to said Chapter 121; permitting the said Board to allocate the cost of furnishing services from such power and steam plants to revenue producing buildings and facilities and to other buildings and facilities at said institution; making the bonds issued pursuant to said Chapter 121, as amended, authorized investments and making them eligible to secure public funds; and declaring an emergency."

To the Committee on Finance.

By Senator Moore:

S. B. No. 91, A bill to be entitled "An Act to amend Chapter 368, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended, by adding a new section to such Act making the bonds issued by governing boards of institutions of higher learning pursuant to such Act, authorized investments, and making them eligible to secure public funds; and declaring an emergency."

To the Committee on State Affairs.

By Senators Blanchard and Rogers:

S. B. No. 92, A bill to be entitled "An Act relating to the creation of a medical department as a part of Texas Technological College; and declaring an emergency."

To the Committee on Education.

By Senator Blanchard:

S. B. No. 93, A bill to be entitled "An Act changing the name of Texas Technological College to Texas Tech University; and declaring an emergency."

To the Committee on Education.

By Senator Dies:

S. B. No. 94, A bill to be entitled "An Act to provide for the election of a district attorney for the 145th Judicial District; amending Article 322, Revised Civil Statutes of Texas, 1925, as amended; repealing Section 7, Chapter 492, Acts of the 54th Legislature, 1955; and declaring an emergency."

To the Committee on Finance.

By Senators Dies, Rogers, Strong and Schwartz:

S. J. R. No. 13, Proposing an Amendment to the Constitution of the State of Texas authorizing the issuance of State bonds for the purpose of financing a program for loans to individuals, partnerships and corporations to encourage the development of industries in this State, and providing for administration of the program.

To the Committee on Constitutional Amendments.

Presentation of Guests

Senator Hightower by unanimous consent presented Mr. Frank Wood, Mrs. A. Y. Beverly, Mrs. Julian N. Wright, also his wife, Mrs. Hightower, and daughters Ann, Amy and Alison as guests of the Senate today.

Presentation of Guests

Senator Kazen by unanimous consent presented Mr. Ralph Garcia and H. G. Salinas, Commissioner of Precinct No. 1 of Jim Wells County, to the Members of the Senate.

Presentation of Guests

Senator Harrington by unanimous consent presented Mr. and Mrs. L. R. Lane, Mr. and Mrs. Robt. L. Johnson, Bobbye Sanders, Debbie Sanders, Mrs. C. J. Sanders, Mrs. G. W. Cowart, Mrs. Harry Hubbard, Mrs. Ann G. Evans, Mr. Pete Johnson, Mr. John Arnold and Mr. Chas. Holt as guests of the Senate today.

Presentation of Guests

Senator Word by unanimous consent presented Mr. and Mrs. Robert T. Smilling and Mr. and Mrs. J. U. Mahon of Whitney as guests of the Senate today. He also presented Mr. and Mrs. Dave Clemens and daughter Peppie and Mr. and Mrs. Don Kearby and son of Mineral Wells for Senator Creighton.

Presentation of Guest

Senator Harrington presented the former Senator Jep S. Fuller of Port Arthur as a guest of the Senate today.

Co-Author of Senate Bill 31

On motion of Senator Crump and by unanimous consent he will be shown as co-author of S. B. No. 31.

Co-Author of Senate Bill 4

On motion of Senator Aikin and by unanimous consent Senators Rogers and Watson will be shown as co-authors of S. B. No. 4.

Senate Concurrent Resolution 9

Senator Krueger offered the following resolution:

S. C. R. No. 9, Providing for continuation of Joint Committee to make study of bays and inlets of State to be known as The Legislative Study on Multiple Use and Pollution of All Waters of Texas.

Whereas, S. C. R. No. 60, enacted by the 58th Legislature, created a Committee consisting of eleven (11) members; two representing the public at large; one representing the oil and gas pipeline industry; one representing the industry engaged in the mining and producing of mudshell, clam shell, sand, clay, and marl; one representing the commercial fishing and shrimping industry; three Representatives; and three Senators; and

Whereas, This Committee was appointed for the purpose of making a study of all matters concerning, or in any way pertaining to, the development and use of the bays of the State of Texas and the inlets and tributaries thereto, for hunting, fishing, boating, and recreational purposes; the mining and producing of mudshell, clam shell, sand, clay, and marl from such bays, the inlets and tributaries thereto; and the transportation by pipeline or otherwise of oil, gas, and other minerals across such bays, the inlets and tributaries thereto, and all matters pertaining to the pollution and contamination, by all users of such bays, the inlets and tributaries thereof; and

Whereas, The Committee is of the opinion that because of lack of time to cope with the enormity of this study, only a very temporary and preliminary report can be offered as of the convening of the 59th Legislature, and the further fact that the Committee believes that the study should be a continuing attempt to evaluate the benefits and to offer initial solutions to the many problems rising from the multiple use of all of the waters of Texas, both surface and sub-surface, and that since the entire state is confronted with a serious water and water pollution problem, its study should be expanded to include

all the waters of Texas; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that

(1) The Committee be continued and shall be authorized to continue this necessary study, but to extend over the entire State of Texas and to include all of the multiple uses of all of the waters of the State whatsoever, and the Committee shall be known as The Legislative Study on Multiple Use and Pollution of All Waters of Texas.

The Lieutenant Governor, the Speaker of the House and the Governor of Texas shall appoint members to the Committee as follows: three (3) Representatives to be appointed by the Speaker of the House, three (3) Senators to be appointed by the Lieutenant Governor of the State, and five (5) public members to be appointed by the Governor.

(2) In the conduct of such investigation, the Committee may require, by use of summons addressed to the Sheriff of a county and/or the Texas Department of Public Safety, the attendance and testimony of witnesses and the production of any records, exhibits, correspondence or other documents or instruments of any kind whatsoever, relating directly or indirectly to any matter which the Committee has authority to investigate under this resolution and for this purpose the Chairman may sign such subpoenas, administer oaths, and receive evidence, instruments, documents, analytical data, charts, and maps. Witnesses attending proceedings of the Committee under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

(3) The Texas State Department of Health, the Texas Parks and Wildlife Department, the Texas Water Pollution Control Board, the General Land Office, the Texas Department of Agriculture, the Railroad Commission of Texas, the Texas Water Commission, the Texas Water Development Board, all river authorities and districts, port authorities, any other subdivision of government, and any other state agencies or departments as may be deemed necessary by the Committee are hereby authorized and directed to cooperate fully and completely with the Committee in making the study and preparation of any reports; the Committee is authorized

and directed to consult with the United States Department of the Interior, the Corps of Engineers, the United States Coast Guard, any other federal agencies or departments, and any other state of the United States and any agency or agencies of such state considered necessary by the Committee for the successful conclusion of the study; and be it further

Resolved, that from the contingent expense funds of the House and the Senate equally, the members of the Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Act, and other necessary expenses of operation of the Committee shall be paid from the contingent expense funds of the House and Senate equally; and be it further

Resolved, that the testimony given at any hearing conducted pursuant to this resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury; and be it further

Resolved, that the Committee shall report in writing, and file a signed copy of the same with the Governor of the State of Texas, the Lieutenant Governor of the State of Texas, and the Speaker of the House of the State of Texas not later than 30 days after the convening of the next Regular Session, and that copies of such report shall be distributed to each member of the Senate and House.

KRUEGER
HARRINGTON
COLE
REAGAN
HERRING
DIES
CREIGHTON
WORD.

On motion of Senator Krueger and by unanimous consent the reading of the resolution was dispensed with and the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 10

Senator Richter offered the following resolution:

S. C. R. No. 10, Providing for the appointment of a Poet Laureate and alternate Poet Laureate of the State of Texas.

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as a statesman and military leader; and

Whereas, The recognition of outstanding poets in this State and their elevation to places of honor will have a wholesome and beneficial effect on literature in this State; and

Whereas, The Legislature of the State of Texas has for several sessions established the policy sought by this Resolution to be continued; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years from such appointment and designation; that said committee shall consist of two (2) members of the Senate to be named by the Lieutenant Governor, two (2) members of the House to be named by the Speaker, and said committee shall meet with the Governor who is hereby designated as the fifth member of the committee; or if the Governor does not serve, he is hereby authorized to designate the fifth member of the committee; and, be it further

Resolved, That an alternate Poet Laureate with the same qualifications of the Poet Laureate be appointed for the same period of time, who shall serve in the event of the death or resignation of the Poet Laureate.

The resolution was read.

On motion of Senator Richter and by unanimous consent the resolution was considered immediately and was adopted.

Co-Authors of Senate Bill 68

On motion of Senator Dies and by unanimous consent Senators Moore, Colson, Word and Reagan will be added as co-authors of S. B. No. 68.

Co-Authors of Senate Bill 4

On motion of Senator Aikin and by unanimous consent Senators Reagan and Ratliff will be added as co-authors of S. B. No. 4.

Co-Author of Senate Bill 2

On motion of Senator Calhoun and by unanimous consent Senator Creighton will be shown as co-author of S. B. No. 2.

Co-Authors of Senate Bill 31

On motion of Senator Hardeman and by unanimous consent Senators Creighton, Rogers, Ratliff, Dies, Reagan and Blanchard will be shown as co-authors of S. B. No. 31.

Senate Concurrent Resolution 11

Senator Moore offered the following resolution:

S. C. R. No. 11, Authorizing Board of A&M University to erect and equip certain buildings for Texas Forest Service.

Whereas, Section 18 of Article VII of the Constitution of Texas provides a method of payment for the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the Texas Agricultural and Mechanical College System (now the Texas A&M University System); and

Whereas, Section 18 of Article VII provides that no building or other permanent improvement shall be acquired or constructed thereunder for use by any part of the Texas Agricultural and Mechanical College System, except at and for the use of the general academic institutions of said System, namely the Agricultural and Mechanical College of Texas (now Texas A&M University), Arlington State College, Tarleton State College, and Prairie View A. and M. College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval; and

Whereas, The Board of Directors of Texas A&M University is desirous of constructing, equipping and acquiring buildings and other permanent improvements for the Texas Forest Service; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Board of Directors of Texas A&M University be, and it is hereby given approval in conformity with Section 18, Article VII of the Constitution of Texas, from the proceeds of sale of bonds authorized by this Section, to construct,

equip, acquire buildings and improvements necessary thereto and other permanent improvements for the Texas Forest Service of the type as follows:

Forest Pest Control Building for use as office and laboratories for entomologists and pathologists concerned with controlling forest pests.

The total amount expended for the building, equipment and other permanent improvements listed above shall not exceed Fifty Thousand Dollars (\$50,000). This authorization is effective upon adoption.

The resolution was read.

Senator Moore asked unanimous consent to consider the resolution immediately.

There was objection.

The resolution was then referred to the Committee on State Affairs.

Senate Concurrent Resolution 12

Senator Richter offered the following resolution:

S. C. R. No. 12, Commending Mrs. Hilda B. Weinert of Seguin for meritorious service to the State of Texas, the Nation and Democratic Party.

Whereas, Mayor Joe Burges of Seguin and County Judge Henry Glene-winkel, representing the Commissioners Court of Guadalupe County, have proclaimed January 29, 1965 as Hilda B. Weinert Day; and

Whereas, Citizens of Seguin and the entire county will honor Mrs. Weinert, long-time Committeewoman of Texas on the National Democratic Executive Committee, who recently retired, with day-long activities culminating in an Appreciation Dinner on the campus of Texas Lutheran College on that day; and

Whereas, Mrs. Weinert served in her high post with the Democratic Committee for 16 of the past 20 years, and has been a delegate to every National Democratic Convention since 1936; and

Whereas, Governor John Connally directed the attention of all Texans to the service of Mrs. Weinert by issuing a proclamation which commended "her record of citizenship and devoted work on behalf of the Democrats of this State . . ."; and

Whereas, Mrs. Weinert was civic-

minded even as a child, and in adult life her bent for politics and successful campaigning have extended from the community level to the making of United States Presidents; and

Whereas, She has always proved worthy of the great trust placed in her, campaigning tirelessly and effectively for Democratic Party candidates from the Court House to the White House; and

Whereas, She has received many appointments and honors in several fields—education, religion, and government—and was the first woman to serve with the Texas Heritage Foundation, receiving a medal for this work from Governor Allan Shivers which described her as "honorable in private life and public dealings"; and

Whereas, Mrs. Hilda Blumberg Weinert is a great lady, who greatly deserves the recognition so lovingly planned by her homefolks, and who should receive the acclaim which is her due from the State Government and all citizens of Texas; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That Hilda B. Weinert be recognized by this Resolution for her meritorious service to the State of Texas, to the Nation, and to the great Democratic Party; and be it further

Resolved, That a copy of this Resolution be sent to Mrs. Weinert as a token of appreciation from this Legislature and from all the people of Texas for the generous use of time and talents which she has given so unstintingly and with such rewarding effects in all phases and levels of social and political life.

The resolution was read.

On motion of Senator Richter and by unanimous consent the resolution was considered immediately and was adopted.

Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

H. C. R. No. 4, Instructing the State Board of Control to close all entrances to the Capitol grounds to motor vehicles on January 26, 1965, except those vehicles approved by the Inaugural Committee.

H. C. R. No. 5, Providing for the closing of all State offices from 11:00 o'clock a.m. on January 26, 1965, so that all State officials and employees may witness the Inaugural Ceremony.

H. C. R. No. 6, Inviting the Honorable John Connally, Governor of the State of Texas, to address the Regular Session of the Fifty-ninth Legislature in Joint Session at 11:00 o'clock a.m., January 27, 1965.

H. C. R. No. 8, Expressing appreciation to the City of Austin for more than a century and a quarter of service and to the Travis County Historical Survey Committee.

H. C. R. No. 9, Providing for payment of necessary expenses for the inauguration of the Governor and Lieutenant Governor.

H. C. R. No. 10, Granting permission to either House to adjourn from Wednesday, January 20, 1965, to Monday, January 25, 1965.

Welcome Resolutions

S. R. No. 20—By Senators Strong and Aikin: Extending welcome to Mrs. Alice Snider of Marshall and Mrs. Genie Farris of Gilmer.

S. R. No. 21—By Senator Parkhouse: Extending welcome to Journalism students of Southern Methodist University.

Adjournment

On motion of Senator Hardeman the Senate at 11:27 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of The Honorable Sir Winston Churchill

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 8)

Whereas, The pulse of the universe skipped a beat and the clock of the twentieth century turned back in time as the world learned of the death of Sir Winston Churchill at 8 a.m. on Sunday, January 24, 1965; and

Whereas, As hope for his recovery gave way to acceptance of the inevitable during these last several days, among all the peoples of the earth were recalled the phrases and deeds of this leader of Britain in her finest hour, this great statesman and soldier who crystallized the national will to withstand the almost insurmountable threat of Nazi invasion following Hitler's surging victories in 1940; and

Whereas, His 90 years upon this earth, since his birth at Blenheim Palace on November 30, 1874, were marked from the beginning by the episodes of which history is made; before the turn of the century he had fought with expeditionary forces in India, Africa, and Cuba; was taken prisoner by the Boers in Africa, but escaped; and

Whereas, Just two decades later, he was back in the trenches of France during World War I, which he anticipated long before Sarajevo, and following that great war it was his gift of foresight which caused him to warn repeatedly but unheeded against the growing strength and ambitions of Hitler Germany; and

Whereas, His great political career began truly with the beginning of this century, when he was elected to Parliament following his return as a hero from the Boer War; and

Whereas, The descriptive heights of his phrases—the "bloodthirsty guttersnipe" Hitler, and the "whipped jackal" Mussolini—forged one of the mightiest weapons of all times with the English language; and

Whereas, When called to service as Prime Minister in May, 1940, his first statement caused his nation and its allies to vibrate with patriotic fervor as he promised to "those who have joined this government, I have nothing to offer but blood, toil, tears, and sweat . . ."; and

Whereas, Raw courage was his trademark, as much as the outsized cigar and the "V" for victory sign; and

Whereas, His very warm human traits and great capacity for life gave him a place in the heart of mankind not often found among the great: his love for his beautiful wife, "Clemmie," whom he married in 1908, and which was undimmed by the passage of the years as she stayed by his side in sickness and in health will remain one of the greatest love stories of our times; and

Whereas, His spirit will live as an inspiration to all men as it was to France when Hitler was trying to lure her into joining the Axis, and he broadcast across the Channel for the people of France "to gather strength for the morning, for the morning will come . . . Thus will shine the dawn. Vive la France"; and

Whereas, In our own America he was claimed as one of our own; his mother was an American, the lovely Jennie Jerome of New York, and in 1963 he was made an honorary American citizen, in fulfillment of an ambition he had long cherished, and with the honor given for the first time in the history of these United States; and

Whereas, He held to the last to his concern for the perpetuation of the free world, and he was the first to warn, on a hot March 5th of 1946, at a college in Fulton, Missouri, about "the Iron Curtain (that) has descended across the continent"; and

Whereas, His greatest ambition—to end the cold war which followed World War II and to bring about a lasting peace between communism and the free West—has not been realized, but the breadth of his vision, his towering genius and his unswerving pursuit of close friendship between the two great English-speaking nations marked him as one of the greatest statesmen of all times; and

Whereas, The Legislature of the State of Texas wishes to speak on behalf of Texans everywhere in tribute to this great man, the most heroic figure of this century; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That the people of Texas extend to the people of Great Britain our deepest sympathy in the loss of one whose noble life will ever be remembered and embedded in the chronicles of high aspiration; and be it further

Resolved, That official copies of this Resolution be prepared and sent to the Parliament and to members of the family of Sir Winston Churchill; and be it further

Resolved, That in the annals of our time we shall always recall and reavow his affirmation, timed to the danger of German invasion in World War II, but a pledge which should endure in the hearts of free men of all times: "We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills, we shall never surrender."

PARKHOUSE
HARDEMAN
RATLIFF
HERRING
CALHOUN

The resolution was read and was unanimously adopted by a rising vote of the Senate.

In Memory of
Mrs. Mills P. Walker

Senator Moore offered the following resolution:

(Senate Resolution 22)

Whereas, Our Heavenly Father has taken one of our prominent, pioneer Christian ladies from her earthly home, Mrs. Mills P. Walker, on Sunday, January 3, 1965; and

Whereas, Mrs. Walker, the former Minnie Fontaine Barrow, was born at Wellborn in Brazos County; her grandfather, John J. Berryman, was a Baptist minister who was president of an early college of the community established by the Independent Order of Odd Fellows; and

Whereas, She was graduated from Bryan High School and attended the University of Texas; she married Mills P. Walker of Austin in 1909; they moved to Bryan in 1912; and

Whereas, She was active for many years in civic affairs, the Parent-Teachers Association, the A & M Garden Club, and she served on the Bryan City School Board; and

Whereas, Mrs. Walker was a dedicated member of the Baptist Church since childhood; she was a charter member of the University Baptist Church of Austin and the Central Baptist Church of Bryan; and

Whereas, She was an active worker with the Westview Mission and a charter member when it became Trinity Baptist Church; now, therefore, be it

Resolved, That the Senate of Texas does hereby express its deep sympathy to the members of her family and that copies of this Resolution under the Seal of the Senate, be sent to her survivors, namely, her husband, Mills P. Walker of Bryan; five children, two of whom preceded their mother in death are: Mills P. Walker Jr., and Barbara Jane Franklin; and three daughters survive, Mrs. Davis D. Wilson of Fort Worth, Mrs. Shirlireed Walker and Mrs. Coulter Hoppess of Bryan; two sisters, Mrs. Anna Marcia Barry and Mrs. Lil B. Morris of San Antonio; eight grandchildren and three great-grandchildren; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Mrs. Mills P. Walker and that when the Senate adjourns today it do so in her memory.

MOORE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Crump and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.